

HOUSE BILL 126

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A2

2003 Regular Session  
3r1086  
CF 3r1821

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By: **Delegates Cane, Bozman, Conway, Eckardt, Elmore, and Schisler**  
Introduced and read first time: January 24, 2003  
Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Wicomico County - Alcoholic Beverages - Licenses, Sales, and Wine Festival**

3 FOR the purpose of repealing a certain requirement for a certain alcoholic beverages  
4 license for conference centers in Wicomico County; increasing a certain annual  
5 alcoholic beverages license fee in the county; altering the term of an alcoholic  
6 beverages license in the county; repealing the prohibition on Sunday sales of  
7 certain alcoholic beverages in the county; establishing a special WCWF license  
8 for the sale of wine at the Wicomico County Wine Festival; establishing certain  
9 licensing requirements; requiring certain license holders to display and sell  
10 certain wine; establishing a license fee; requiring the Wicomico Board of License  
11 Commissioners to set the date and location of the Festival; requiring the Board  
12 to assure that the primary focus of the Festival is the promotion of Maryland  
13 wine; establishing certain requirements concerning the delivery of products  
14 displayed and sold at the Festival; requiring the Board to adopt certain  
15 regulations; defining certain terms; and generally relating to alcoholic  
16 beverages in Wicomico County.

17 BY repealing and reenacting, without amendments,  
18 Article 2B - Alcoholic Beverages  
19 Section 6-201(x)(1)  
20 Annotated Code of Maryland  
21 (2001 Replacement Volume and 2002 Supplement)

22 BY repealing and reenacting, with amendments,  
23 Article 2B - Alcoholic Beverages  
24 Section 6-201(x)(3), 6-401(x), and 11-523(c)(3), (4), and (6)  
25 Annotated Code of Maryland  
26 (2001 Replacement Volume and 2002 Supplement)

27 BY adding to  
28 Article 2B - Alcoholic Beverages  
29 Section 8-313.1  
30 Annotated Code of Maryland

1 (2001 Replacement Volume and 2002 Supplement)

2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
3 MARYLAND, That the Laws of Maryland read as follows:

4 **Article 2B - Alcoholic Beverages**

5 6-201.

6 (x) (1) This subsection applies only in Wicomico County.

7 (3) (i) There is a Class B-Conference Center license.

8 (ii) The annual license fee is \$1,100.

9 (iii) The conference center shall have a minimum capacity of 500  
10 persons and the following facilities:

11 1. Kitchen;

12 2. Dining; and

13 3. Meeting space.

14 (iv) Licensees may sell beer, wine and liquor for on-premises  
15 consumption to persons attending an event at the conference center.

16 (v) An existing Class B license may be amended to one for  
17 conference center use.

18 [(vi) To be eligible for a license, the conference center shall be located  
19 west of Maryland Route 13 and north of the city limits of Salisbury.]

20 6-401.

21 (x) (1) This subsection applies only in Wicomico County.

22 (2) The annual license fee is [~~\$1,925~~] \$2,200.

23 (3) Any license issued under the provisions of this section is for [6] 7  
24 days.

25 (4) In order to qualify for a license under the provisions of this section  
26 the premises that is the subject of the application shall have a minimum seating  
27 capacity of 140 persons, not including the bar area or dancing floor area, and shall  
28 meet the minimum requirements of the fire code applicable to the jurisdiction in  
29 which the premises is located.

30 (5) Alcoholic beverages sold under the provisions of this section shall be  
31 consumed on the premises only.

1 (6) A person may not be on the premises who is under the legal age for  
2 the consumption of beer and light wine in this State.

3 (7) All alcoholic beverages other than beer and light wine shall be  
4 purchased from the Liquor Control Board for Wicomico County and shall be charged  
5 not more than 15 percent above the wholesale cost to the dispensary.

6 8-313.1.

7 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
8 INDICATED.

9 (2) "BOARD" MEANS THE WICOMICO COUNTY BOARD OF LICENSE  
10 COMMISSIONERS.

11 (3) "FESTIVAL" MEANS THE WICOMICO COUNTY WINE FESTIVAL.

12 (B) THIS SECTION APPLIES ONLY IN WICOMICO COUNTY.

13 (C) THE BOARD MAY ISSUE A SPECIAL WCWF LICENSE.

14 (D) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, TO BE  
15 ELIGIBLE FOR A SPECIAL WCWF LICENSE AN APPLICANT MUST BE A HOLDER OF AN  
16 EXISTING STATE RETAIL ALCOHOLIC BEVERAGES LICENSE, A STATE CLASS 3 WINERY  
17 LICENSE, OR A STATE CLASS 4 LIMITED WINERY LICENSE.

18 (E) A HOLDER OF A SPECIAL WCWF LICENSE SHALL:

19 (1) DISPLAY AND SELL WINE THAT IS:

20 (I) MANUFACTURED AND PROCESSED IN ANY STATE;

21 (II) PRICE FILED IN ACCORDANCE WITH REGULATIONS ADOPTED  
22 BY THE COMPTROLLER; AND

23 (III) DISTRIBUTED IN THE STATE AT THE TIME THE APPLICATION IS  
24 FILLED; AND

25 (2) DISPLAY AND SELL WINE AT RETAIL FOR CONSUMPTION ON OR OFF  
26 THE LICENSED PREMISES ON THE DAYS AND FOR THE HOURS DESIGNATED FOR THE  
27 FESTIVAL.

28 (F) THIS SECTION DOES NOT PROHIBIT THE HOLDER OF A SPECIAL WCWF  
29 LICENSE FROM HOLDING ANOTHER ALCOHOLIC BEVERAGES LICENSE OF A  
30 DIFFERENT CLASS OR NATURE.

31 (G) THE SPECIAL WCWF LICENSE FEE IS \$25 PER DAY.

32 (H) (1) THE BOARD SHALL CHOOSE:

1 (I) ONE WEEKEND, FRIDAY THROUGH SUNDAY INCLUSIVE,  
2 ANNUALLY FOR THE FESTIVAL; AND

3 (II) A LOCATION FOR THE FESTIVAL THAT IS IN THE COUNTY BUT  
4 THAT IS NOT LICENSED CURRENTLY UNDER THIS ARTICLE.

5 (2) THE BOARD SHALL ASSURE THAT THE PRIMARY FOCUS OF THE  
6 FESTIVAL IS THE PROMOTION OF MARYLAND WINE.

7 (I) (1) PRODUCTS DISPLAYED AND SOLD AT THE FESTIVAL SHALL BE:

8 (I) INVOICED TO THE HOLDER OF THE SPECIAL WCWF LICENSE BY  
9 A LICENSED STATE WHOLESALER, WINERY, OR LIMITED WINERY; AND

10 (II) DELIVERED TO THE FESTIVAL FROM THE LICENSED PREMISES  
11 OF THE WHOLESALER, WINERY, OR LIMITED WINERY.

12 (2) WHENEVER A SPECIAL WCWF LICENSE IS ISSUED, A HOLDER OF A  
13 WHOLESALE, WINERY, OR LIMITED WINERY LICENSE MAY ENTER INTO AN  
14 AGREEMENT WITH THE HOLDER OF A SPECIAL WCWF LICENSE TO DELIVER WINE 2  
15 DAYS BEFORE THE EFFECTIVE DATE OF THE SPECIAL WCWF LICENSE AND TO  
16 ACCEPT RETURNS 2 DAYS AFTER THE EXPIRATION DATE OF THE SPECIAL WCWF  
17 LICENSE.

18 (J) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

19 11-523.

20 (c) The days and hours for the sale of alcoholic beverages are:

21 (3) For a Class B hotel and restaurant beer license:

22 (i) On-sale:

23 1. Monday through Saturday from 6 a.m. to 2 a.m. the  
24 following day; and

25 2. Sunday from 12:30 p.m. to 12 midnight, provided that the  
26 sale of alcoholic beverages on Sunday is only permitted for consumption by patrons  
27 who are seated on the premises; and

28 (ii) Off-sale[:

29 1. Monday through Saturday] ON ANY DAY from 6 a.m. to 12  
30 midnight [; and

31 2. Sunday - no off-sale privilege].

32 (4) For a Class B hotel and restaurant beer and light wine license:

33 (i) On-sale:

- 1  
2 following day; and
- 3  
4 sale of alcoholic beverages on Sunday is only permitted for consumption by patrons  
5 who are seated on the premises; and
- 6 (ii) Off-sale[:
- 7  
8 midnight[; and
- 9  
10 (6) For a 7-day Class D beer and light wine license:
- 11 (i) On-sale:
- 12  
13 following day; and
- 14  
15 sale of alcoholic beverages is only permitted for consumption by patrons who are  
16 seated on the premises; and
- 17 (ii) Off-sale[:
- 18  
19 midnight[; and
- 20  
21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 June 1, 2003.
1. Monday through Saturday from 6 a.m. to 2 a.m. the
  2. Sunday from 12:30 p.m. to 12 midnight, provided that the
1. Monday through Saturday] ON ANY DAY from 6 a.m. to 12
  2. Sunday - no off-sale privilege].
1. Monday through Saturday from 6 a.m. to 2 a.m. the
  2. Sunday from 12:30 p.m. to 12 midnight, provided that the
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